

	)	IN THE COURT OF MILITARY
	)	COMMISSION REVIEW
)	
	)	MOTION FOR LEAVE
	)	TO APPEAR DURING ORAL
	)	ARGUMENT AS <i>AMICUS</i>
	)	<i>CURIAE</i>
)	
	)	Case No. 09-001
UNITED STATES OF AMERICA	)	Tried at Guantanamo Bay, Cuba on
	)	7 May 2008
	)	15 August 2008
Appellee	)	24 September 2008
	)	27 October – 3 November 2008
)	
v.	)	Before a Military Commission
	)	Convened by Hon. Susan Crawford
)	
ALI HAMZA AHMAD SULIMAN	)	Presiding Military Judge
AL BAHLUL	)	Colonel Peter Brownback, USA (Ret.)
	)	Colonel Ronald Gregory, USAF
Appellant.)	
	)	Date: 23 September 2009

**TO THE HONORABLE JUDGES OF THE COURT OF MILITARY
COMMISSIONS REVIEW**

The undersigned individual, Jordan J. Paust, as Counsel for *Amicus Curiae* Human Rights Committee of the American Branch of the International Law Association, respectfully moves for leave to appear as *Amicus Curiae* in the case of United States of America v. Ali Hamza Ahmad Suliman Al Bahlul during future oral argument for 15 minutes.

INTEREST OF AMICUS CURIAE

Amicus Curiae, the Human Rights Committee of the American Branch of the International Law Association, is composed of lawyers and professors of law who have practiced

and/or lectured and/or published widely on matters addressed in this Brief and related matters. This amicus memorandum sets forth their considered views. We generally support defendant-appellant's claim that the GTMO commissions lack lawful jurisdiction and deny equal protection, but we address issues and cases that were not addressed in defendant-appellant's brief of 1 September 2009, especially concerning relevant treaty-based and customary international laws that are among relevant laws of the United States. Members of the *Amicus Curiae* have worked and written extensively in the relevant fields and seek now to offer the results of recent and highly relevant research for consideration by this court.

Jordan J. Paust, Counsel for *Amicus Curiae* on this Brief, is the Mike & Teresa Baker Law Center Professor of the University of Houston Law Center. Professor Paust has an A.B. and J.D. from U.C.L.A., an LL.M. from the University of Virginia, and is a J.S.D. Candidate at Yale Law School. He was also a graduate of the 50th Basic Class at the U.S. Army TJAG School in 1969 and was a CAPT, JAG and member of the Faculty of The Judge Advocate General's School from 1969-1973 and a mob. des. reservist at the TJAG School from 1973-1975. He has served on several committees on international law, human rights, laws of war, terrorism, and the use of force in the American Society of International Law, the American Branch of the International Law Association, and the American Bar Association, and was the Co-Chair of the American Society's International Criminal Law Interest Group (1992-2008). He was also the Chair of the Section on International Law of the Association of American Law Schools and was on the Executive Council and the President's Committee of the American Society of International Law. He is one of the most widely cited law professors in the United States and is ranked among the top 2 percent in Leiter's study for 2000-2007. Two of his articles were cited by the U.S. Supreme Court. Among relevant books are: Paust, Van Dyke, Malone, *International*

Law and Litigation in the U.S. (Thomson - West Group, American Casebook Series, 3 ed. 2009); Paust, *International Law as Law of the United States* (2 ed. 2003); Paust, Bassiouni, *et al.*, *International Criminal Law: Cases and Materials* (3 ed. 2007); Paust, Bassiouni, *et al.*, *Human Rights Module* (2 ed. 2006). Professor Paust has published over 165 articles, book chapters, papers and essays in law journals in Belgium, Canada, China, England, Germany, Greece, Israel, Japan, the Netherlands, and the U.S.: at Yale, Harvard, Columbia, Stanford, Michigan, Virginia, Cornell, Texas, Duke, the American Journal of International Law, and elsewhere – many of which address treaties, customary international law, jurisdiction, human rights, international crimes, and the incorporation of international law into U.S. domestic law.

ARGUMENT IN SUPPORT OF MOTION FOR LEAVE TO APPEAR

The legal issues encompassed within this brief are novel and necessarily warrant additional explanation. The arguments presented herein has not been developed in the pleading of this case or in any related case. The arguments made here bear directly on the outcome appropriately to be reached by this court and *Amicus Curiae* would like to appear for 15 minutes during future oral argument in order to provide further assistance to the court.

Respectfully Submitted,



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